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RUEHBY/AMEMBASSY CANBERRA PRIORITY 9333
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RUEHKO/AMEMBASSY TOKYO PRIORITY 1299
RUEHWL/AMEMBASSY WELLINGTON PRIORITY 2553
RUEHCHI/AMCONSUL CHIANG MAI PRIORITY 6045
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 000026

SIPDIS

STATE FOR EAP, DRL; NSC FOR PHU

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TAGS: [PHUM](#) [PGOV](#) [KPAO](#) [KJUS](#) [TH](#)
SUBJECT: PLOTTER CONVICTED IN 2004 KILLING OF THAI
ACTIVIST; VICTIM,S FAMILY TO SEEK FURTHER JUSTICE

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Classified By: DCM James F. Entwistle, reasons 1.4 (b) and (d)

SUMMARY AND COMMENT

1. (C) The Criminal Court sentenced provincial lawyer Thanu Hinkaew to death on December 31 for allegedly orchestrating the 2004 killing of environmental activist Charoen Wataksorn; the court also acquitted two co-defendants due to lack of evidence. Thanu remained in court custody, pending an appeal. Charoen's family also planned to appeal the acquittal, and aimed to pursue the case in the Supreme Court. Two additional suspects in the case, imprisoned after being denied bail in 2004, died within months of each other in a Bangkok prison in 2006, in unclear circumstances. Charoen's activism halted the construction of a multi-million dollar steel plant scheduled to be built on public land through the illegal transfer of land rights.

2. (C) Comment: The December 31 conviction of Thanu does not signal closure to one of Thailand's ongoing cases involving the killing of a prominent activist. The trial will most likely enter a lengthy cycle of appeals. The conviction of an alleged mastermind of the crime, instead of just the hired guns, offered at least temporary justice for a crime that sent a powerful message about the fate of those who dare to confront powerful interests. Furthermore, the mysterious death of the crime's suspected gunmen, while in state custody, does not bode well for the justice system's ability to shield itself from the operations of criminal networks.

ONE CONVICTED, TWO DEAD, THREE OR MORE TO GO

3. (SBU) The conviction by the Criminal Court of lawyer Thanu Hinkaew on December 31, and subsequent death sentence, marked the first legal ruling of accountability in the 2004 shooting death of environmental activist Charoen Wataksorn. Two gunmen shot Charoen eight times in the head after he returned to his home in Prachuap Khiri Khan province on June 21, 2004, following his testimony before a Senate panel in Bangkok about a land-grab scam in Bo Nok Township (also in Prachuap

Khiri Khan). Charoen's activism halted the construction of a steel plant in Bo Nok after he objected to attempts by unnamed influential people to illegally change the status of public land to officially-recognized private land in order to sell the area to the Sahawiriyat Steel Public Company. His murder garnered media attention, and a transfer of the case from the local police to the Department of Special Investigations (DSI), when Charoen's family marched his coffin to the steps of the Ministry of Justice in central Bangkok in protest of perceived delays in the investigation.

¶4. (C) The court acquitted Thanu's brother, Manot Hinkaeo, and father, Chia Hinkaeo, due to insufficient evidence. They were also alleged to have orchestrated the killing, alongside Thanu. Lawyer Ratsada Manunratsada of the Law Society of Thailand said the court convicted Thanu based on the prior testimony of the two gunmen arrested in 2004, shortly after the shooting. The two gunmen, Saneh Lekluan and Prachuap Hinkaeo (Prachuap being a cousin of Thanu), died in Bangkok Remand prison in March and August 2006. Prison authorities told the media that Saneh died of heart failure, and that Prachuap died of an unknown illness. Other media reports cited that the men died of "immune deficiency syndrome." Human Rights Watch Consultant Sunai Phasuk told us on January 6 that the Hinkaeo family was widely known to include some thugs-for-hire in Prachuap Khiri Khan, and Sunai and others assumed the gunmen were killed after providing testimony to the police that linked them to the greater Hinkaeo family. Sunai added his suspicion that unnamed conspirators who instructed the men to act on their behalf remained at large.

¶5. (C) Lawyer Ratsada praised the ruling, and told us on

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January 5 that the defendants were "the real culprits," and not just scapegoats. According to Ratsada, the deaths of the gunmen in prison, and the failure of DSI to investigate Mo Likaew, another alleged middle man between the gunmen and the unnamed elite, weakened the case by blocking further attempts by prosecutors to question them in court and widen the range of suspects. Ratsada opined that, without further evidence, the acquittal of the two co-defendants appeared justified. The court stated that both gunmen confessed to police following their arrest and implicated Thanu as having devised the plot and supplied the guns. Ratsada noted that in the past, the death of the two gunmen would have resulted in the acquittal all suspects, but in this case the court still permitted the gunmen's testimony, post-mortem.

JOHN